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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COSTAR GROUP, INC.,

Plaintiff,

No. 08-CV-1156 (GBD) (GWG)

v.

LOOPNET, INC.,

Defendant
and Counter-
Plaintiff.

:
:
: **NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

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LOOPNET, INC.,

Counterclaim
Plaintiff,

v.

COSTAR GROUP, INC., and COSTAR
REALTY INFORMATION, INC.,

Counterclaim :
Defendants.

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PLEASE TAKE NOTICE that Defendant and Counterclaim-Plaintiff LoopNet, Inc. (“LoopNet”) hereby moves this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure and 15 U.S.C. § 26, for an Order:

(1) Preliminary enjoining Counterclaim-Defendants CoStar Group, Inc. and CoStar Realty Information, Inc. (collectively “CoStar”), their officers, agents, servants, employees,

attorneys, and all others in active concert or participation with them during the pendency of this action from disseminating anywhere in the United States the advertisements and/or marketing material reproduced as attached in Exhibits H through T and V through Z to the accompanying Declaration of Raymond A. LaMagna, or any advertisement or marketing material substantially similar thereto; and

(2) Preliminary enjoining CoStar, their officers, agents, servants, employees, attorneys, and all others in active concert or participation with them during the pendency of this action from claiming during the pendency of this action, whether directly or by implication, in any advertisement or promotional communication anywhere in the United States, that:

- (a) CoStar Showcase either receives or that its audience includes 400,000 or more prospects that cannot be found on LoopNet (whether stated quarterly, monthly, or otherwise);
- (b) CoStar Showcase either receives or that its audience includes 1.3 million unique CoStar.com visitors each or every quarter;
- (c) 86% of Costar Showcase's audience are purchase decision makers and influencers for their firm;
- (d) The CoStar Showcase audience is composed of "prospects" for the purchase or lease commercial real estate;
- (e) The CoStar Showcase audience is composed of "qualified" prospects, individuals or entities;
- (f) The CoStar Showcase audience is composed of prospects, individuals or entities who are likely "very interested" in learning of commercial real estate that is available for lease or sale;
- (g) The CoStar Showcase audience "includes anyone with an interest in commercial estate property listings across the U.S.";
- (h) CoStar Showcase is a "free" service;
- (i) CoStar Showcase is an "open" service or other statements that conflict with the fact that Showcase requires a long-term contract;
- (j) CoStar Showcase is the website that brokers prefer 3 to 1 over other websites or over LoopNet;

- (k) 75% of commercial real estate brokers prefer CoStar Showcase over other services or over LoopNet;
- (l) CoStar Showcase offers a true competitive advantage over other services or over LoopNet;
- (m) CoStar Showcase reaches more prospects than other services or than LoopNet;
- (n) CoStar Showcase generates more leads online than other services or than LoopNet;
- (o) More than 300 firms “find” or confirm that CoStar Showcase delivers on its promises related to online property exposure and lead-generation;
- (p) CoStar Showcase features 890,000 or more listings, or allows that many listings to be searched or viewed by Showcase users;
- (q) CoStar Showcase is composed of accurate, up-to-date listings, and/or free from mislabeled, outdated, or “dead” listings;
- (r) CoStar Showcase will “get the deal done faster” or provide “more opportunity to lease or sell your property more quickly”;
- (s) CoStar Showcase provides “unmatched exposure” or that its users “gain unmatched exposure”;
- (t) CoStar Showcase is “unprecedented” or offers an “unprecedented” way to market listings online;
- (u) The response for CoStar Showcase indicates that customers find CoStar Showcase to be a very compelling and effective solution for marketing listings online;
- (v) The response for CoStar Showcase makes clear that there is substantial demand for a more effective way to market commercial real estate listings online; and
- (w) The response for CoStar Showcase indicates that customers recognize the purported advantages CoStar Showcase claims to offer.


The grounds for this motion are set forth in the Declarations of Jason Greenman and Raymond A. LaMagna filed herewith, the exhibits thereto, and the accompanying Memorandum in Support of LoopNet’s Motion for a Preliminary Injunction.

Opposition papers, if any, will be due on a date to be set by the Court.

LoopNet respectfully requests an evidentiary hearing on this motion.

Dated: New York, New York
June 30, 2008

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